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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,325	08/29/2003	William Joseph Butsch	9350	1633

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EXAMINER

DEXTER, CLARK F

ART UNIT	PAPER NUMBER
3724	

MAIL DATE	DELIVERY MODE
08/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/652,325

Applicant(s)

BUTSCH ET AL.

Examiner

Clark F. Dexter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7 and 8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7 and 8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The response filed on June 6, 2007 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1, 3 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNeil, pn 4,919,351 in view of Nystrand et al., pn Re 28,353.

Regarding claims 1, 3 and 5, McNeil discloses an apparatus with almost every structural limitation of the claimed invention including

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a bedroll (e.g., 21) having a circumference, the bedroll being disposed such that the web material passes around at least a portion of the circumference of the bedroll in a direction of travel of the web material, wherein the bedroll is disposed generally transverse to the direction of travel of the web material, the bedroll comprising a shell and a bedroll chop off assembly (e.g., 31 33), the bedroll chop off assembly comprising at least one web pin (e.g., 33) and at least one bedroll blades (e.g., 31) having a distal portion, the bedroll blade being disposed generally transverse to the direction of travel of the web material at a bedroll blade spacing, wherein the distal portions of the at least one bedroll blade and the at least one web pin are capable of extending beyond the shell of the bedroll, wherein the bedroll rotates at a first blade pass frequency,

b) a chop off roll (e.g., 23) disposed proximate and generally parallel to the bedroll, the chop off roll comprising at least one pin pad (e.g., 34, 34) capable of circumferentially interfering with the at least one web pin, the chop off roll further comprising at least two chop off roll blades (e.g., 32) disposed generally transverse to the direction of travel of the web at a chop off roll blade spacing, the at least two chop off roll blades being capable of rotationally meshing with the at least one bedroll blade, and wherein the chop off roll rotates at a second blade pass frequency, wherein the second blade pass frequency is distinct from the first blade pass frequency (e.g., as described in col. 5, lines 36, component 23 rotates clockwise at three times the angular rate of rotation as component 21).

[claim 3] wherein the bedroll comprises at least two bedroll blades (e.g., 31) disposed at a bedroll blade spacing;

[claim 5] wherein the at least one web pin passes through at least a portion of the at least one pin pad.

McNeil lacks the at least one bedroll blade having a serrated web contacting edge. Nystrand '353 discloses such a bedroll blade (e.g., 59, see Fig. 10) having a serrated web contacting edge (e.g., 59a, 59b) and teaches that during operation, "the web is impaled upon the teeth 59b" thus facilitating the applying of tension to the web. Therefore, it would have been obvious to one having ordinary skill in the art to provide a serrated web contacting edge on the bedroll blade of McNeil for the benefits taught by Nystrand '353 including that described above.

4. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of McNeil, pn 4,919,351 in view of Nystrand et al., pn Re 28,353 as applied to claims 1 and 3 above, and further in view of Wilson et al., pn 6,851,642.

The combination discloses and/or teaches an apparatus with almost every structural limitation of the claimed invention as described above, but lacks the bedroll blade spacing being distinct from the chop off roll blade spacing. Wilson discloses an apparatus wherein the bedroll blade spacing being distinct from the chop off roll blade spacing and teaches that such a relationship is beneficial and contributes to a particularly efficient web cutting event with relative little damage and wear of the chopper roll blades (e.g., see col. 5, lines 7-13). Therefore, it would have been obvious to one having ordinary skill in the art to provide the bedroll blade spacing being distinct from the chop off roll blade spacing for the benefits taught by Wilson including those described above.

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5. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of McNeil, pn 4,919,351 in view of Nystrand et al., pn Re 28,353 as applied to claim 1 above, and further in view of Ba Dour, Jr. et al., pn 6,179,241.

The combination discloses and/or teaches an apparatus with almost every structural limitation of the claimed invention as described above, and further includes the at least one pin pad is capable of circumferentially interfering with at least one of the web pins, and wherein the chop off roll further comprises a plurality of web pads (e.g., 34, 34) disposed generally transverse to the direction of travel of said web, and wherein at least one of the chop off roll blades is capable of rotationally meshing with the at least one bedroll blade.

McNeil lacks the at least two chop off roll blades comprising three blades disposed generally parallel each to the others and generally transverse to the direction of travel of the web. More specifically, McNeil discloses an embodiment wherein the chop off roll comprises two blades (e.g., see Fig. 3) but does not disclose an embodiment wherein the chop off roll comprises at least three blades. However, it is old and well known in the art, particularly the web cutting/separating arts, to provide more than one cutting/separating assembly on a roll. As one example, it is old and well known in the art to provide two cutting/separating assemblies on a rotating component 180 degrees apart and that such a configuration provides well known benefits including providing a more efficient operation wherein the rotating component can be rotated at half speed to provide the same number of cuts/separations, or the component can be rotated at the same speed to provide twice the number of cuts/separations. Such a

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configuration also provides the well known benefit of facilitating less maintenance and longer runs because the cutting/separating assemblies are used half as much. Ba Dour, Jr. discloses one example of providing two cutting assemblies that have the same configuration 180 degrees apart. Therefore, it would have been obvious to one having ordinary skill in the art to provide a second cutting/separating assembly on the apparatus of McNeil (e.g., on the opposing flat surface 44) for the well known benefits including those described above.

Response to Arguments

6. Applicant's arguments filed June 6, 2007 have been fully considered but they are not persuasive.

Upon careful consideration of applicant's remarks including the Declaration filed with the amendment, it is respectfully submitted that the Examiner disagrees with applicant's analysis. First, it is respectfully submitted that the Examiner's position is not that the prior art operates or is used in the same manner as the present invention. Rather, the Examiner's position is that the prior art teaches and/or suggests all of the structure (explicit or implicit) of the claimed invention. For example, McNeil teaches or suggests that the rolls are driven separately in timed relation with the other roll. Thus, because the rolls are driven separately, McNeil teaches a device wherein each roll is fully capable of operating at various relative speeds or frequencies, and thus the device is fully capable of being operated in the claimed manner.

Second, it is respectfully submitted that the claims only require that the rolls rotate at distinct frequencies, wherein the speed of rotation of the rolls is called a blade pass frequency. There is nothing in the claims which is directed to the rotational velocity of the blades. Further, there is nothing in the claims that specify at what point or range within the rotation cycle of each roll that the distinct frequencies occur.

Therefore, for at least the reasons described above, it is respectfully submitted that the prior art rejection must be maintained.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

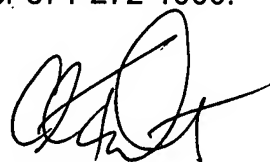
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-

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4505. The examiner can normally be reached on Mondays, Tuesdays, Thursdays and Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer D. Ashley can be reached on (571)272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Clark F. Dexter
Primary Examiner
Art Unit 3724

cfd
August 20, 2007